

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY, CALIFORNIA
AND RECORD OF ACTION**

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February 24, 2004

FROM: THOMAS L. SUTTON, Interim Director
Special Districts Department

**SUBJECT: CONDUCT PUBLIC HEARING TO CONSIDER MANDATORY CONNECTION
ORDINANCE FOR LENWOOD / HIGH DESERT ESTATES SEWER
COLLECTION SYSTEM, COUNTY SERVICE AREA 70, IMPROVEMENT ZONE
S-7 (LENWOOD)**

RECOMMENDATION:

1. Acting as the governing body of County Service Area 70, Improvement Zone S-7, (Lenwood), conduct a public hearing and read title only of Ordinance No. SD 04-____, requiring mandatory hookup for all applicable properties in the communities of Lenwood and the High Desert Estates to be served by the sewer project within the Assessment District 2001-01.
2. Waive reading of entire text and **CONTINUE TO TUESDAY, MARCH 2, 2004 AT 10:00 AM** for adoption.

BACKGROUND INFORMATION: The Special Districts Department manages and operates County Service Area 70, Improvement Zone S-7 (CSA 70 S-7), in Lenwood. The project is designed to address sewer service in the communities of High Desert Estates (Phase 1) and Lenwood (Phase 2).

In High Desert Estates there is currently a sewer system, which is not operating effectively and needs to be upgraded. High Desert Estates, a 205 unit mobile home park, currently has a private sewage collection system which, due to design defects, is not functioning well, resulting in buildup of corrosive hydrogen sulfide gases which damage manholes and collection lines. The local Homeowners' Association has incurred high repair and maintenance costs due to this damage. Eliminating the existing lift station and making it a gravity flow system by connecting it to the City of Barstow's system at an appropriate location will improve the ineffectiveness of the existing system. In Lenwood, the improved properties are on septic systems. Lenwood, comprising 798 lots, approximately 630 of which are developed, currently experiences significant health and nuisance problems when septic tank leachate rises toward the surface in areas with poor percolation and creating a public health concern.

This project will:

1. Provide a complete public sewer system for the area;
2. Provide lateral connections from street to the homes;
3. Pump and backfill all existing septic systems;
4. Pay all connection fees to the City of Barstow; and
5. Repave streets to repair all asphalt cuts.

In November, 2001, special assessment proceedings were initiated pursuant to the Municipal Improvement Act of 1913, and resulted in the designation of Assessment District No. 2001-01. Additional grants and funding were secured from the United States Department of Agriculture ("USDA") and the United States Environmental Protection Agency ("EPA") to enable the Project to proceed.

Record of Action of the Board of Supervisors

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MANDATORY CONNECTION ORDINANCE FOR LENWOOD/HIGH DESERT ESTATES SEWER COLLECTION SYSTEM COUNTY SERVICE AREA 70, IMPROVEMENT ZONE S-7 (LENWOOD)
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In order to secure funding from the USDA through a Rural Utilities Service (RUS) Financial Assistance program, the District must adopt a Mandatory Hookup Ordinance applicable to all properties to be served by the Project, within the Assessment District 2001-01. All buildings or other structures which contain any plumbing or drainage fixtures and which are located within the District must be connected to the District sewer system.

On October 8, 2002, Local Agency Formation Commission (LAFCO) approved the City of Barstow and Lenwood/High Desert Estates "Out-of-Agency Service Agreement for Sewer Service". Briefly, the LAFCO action authorizes the City of Barstow to contract with the County of San Bernardino as the governing body of CSA 70 S-7 to provide sewer service to the remaining un-served parcels as requested and as the sewer facilities allow; and approved of the agreement for sewer service between the City of Barstow, County of San Bernardino, and CSA 70 S-7.

On June 17, 2003, the City of Barstow approved this "Out of Agency Services Agreement".

On August 19, 2003, the Board of Supervisors approved this "Out of Agency Services Agreement" with the City of Barstow.

On September 9, 2003, the Board approved the construction contract with L. T. Engineering of Laguna Niguel, in the amount of \$4,410,610 for construction of a sewer line and manholes for High Desert Estates Collection Line (Base Bid #1) and a sewer collection system including lateral connections in the community of Lenwood (Base Bid #2).

On February 10, 2004, a Public Hearing was scheduled for February 24, 2004, to consider the approval of an Ordinance requiring mandatory Hookup for all applicable properties to be served by the sewer project.

Construction for both High Desert and Lenwood is currently underway and is expected to be completed in July 2004. Approval of this recommendation will require all assessment districts' properties to connect to the new sewer system, in order to secure funding for the project from the USDA and RUS.

REVIEW AND APPROVAL BY OTHERS: This action has been reviewed and approved by County Counsel (L. Thomas Krahelski, 387-5436) on February 9, 2004, and reviewed by the County Administrative Office (Wayne Thies, Administrative Analyst, 387-5409), on February 9, 2004

FINANCIAL IMPACT: To fund this project a grant for \$3,000,000 was obtained from the Environmental Protection Agency; a \$1,500,000 grant was obtained from the United States Department of Agriculture; and a low interest loan for \$2,500,000 was obtained from the United States Department of Agriculture. The loan repayment is the only portion that the property owners of Lenwood and the High Desert Estates will be responsible for. This project is included in the CSA 70, Improvement Zone S-7 Capital Improvement Budget for Fiscal Year 2003/2004 (SNJ-315) for \$7,047,496.

COST REDUCTION REVIEW: The County Administrative Office has reviewed this agenda item and concurs with the department's proposal and recommends this action based on the necessity to continue the construction phase of this Capital Improvement Program project. This project has no impact to the County General Fund.

SUPERVISORIAL DISTRICT: First

PRESENTER: Tom Sutton 387-9625